

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Janakiraman et al.** §
Serial No. **09/842,835** § Group Art Unit: **2179**
Filed: **April 26, 2001** § Examiner: **Theriault, Steven B.**
For: **Apparatus for Outputting Textual
Renditions of Graphical Data and
Method Therefor** §
§
§

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on May 31, 2007.

No fees are believed to be required to file a Reply Brief. If any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

RESPONSE TO EXAMINER'S ANSWER

On page 7 of the Examiner's Answer, the Examiner asserts that Appellants intended to define a special intended meaning for "graphical data" based upon disclosure in the Specification at paragraph [0035]. Appellants expressly deny such assertion, as Appellants did not (and do not) in fact intend to define a special meaning for "graphical data". Instead, Appellants are relying upon the ordinary and customary meaning that "graphical data" would have to a person of ordinary skill in the art. Patent claim terms are to be given their "ordinary and customary" meaning, which is defined as "the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention", *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ.2d 1321 (Fed. Cir. 2005). While it is true that the Specification may reveal a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess, *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ.2d 1321 (Fed. Cir. 2005), *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002), the present Specification did not in fact deviate from the ordinary and customary meaning of "graphical data"¹. Thus, the ordinary and customary meaning of "graphical data" should be applied as Appellants did not in fact reveal a special intended meaning or definition that should be given to this term.

The cited Berckmans reference does not teach graphical data (instead describing alphanumeric data), because there is no description that this data is maintained as data pairs, or any other type of inter-data relationship, that is graphed to graphically depict particular relationships between the data. Applicants' Specification describes a table with pairs of values which allow for graphically depicting the data to show interrelationships with respect to the particular data elements within this table of 'pairs of values'. Berchmans provides no such table with pairs of values. Just like a disclosure of milk is not a disclosure of cheese, a mere description of a table containing alphanumeric data is not a disclosure of graphical data.

¹ The normal meaning of graphical data is data either in graphical form, or in a form usable to be graphed (such as two dimensional data pairs, where a first element of the data pair is particular data and the second element of the data pair is a common parameter, such as time, associated with all of the particular data, such that the particular data can be graphed to show relationships between the particular data with respect to this common second element), *to graphically show relationships between the data* and therefore effectuate inter-data image analysis by a user or machine (as depicted in Applicants' Figure 1B).

CONCLUSION

It is therefore urged that, contrary to the Examiner's assertion, Applicants did not in fact intend to define a special meaning to the term "graphical data" but instead is relying upon the ordinary and customary meaning of such term. Berckmans' alphanumeric data is not graphical data. As every pending claim recites "graphical data", Berckmans does not anticipate or render obvious all of the pending claims, as all elements recited in the pending claims are not taught or suggested by the cited references. Accordingly, Appellants respectfully request that the Board reverse the final rejection of all pending claims.

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